

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 16, 2021**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MELISSA S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,<sup>1</sup>

Defendant.

NO: 2:20-CV-00449-FVS

ORDER GRANTING STIPULATED  
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 17. The Plaintiff is represented by Attorney Rosemary B. Schurman. The Defendant is represented by Special Assistant United States Attorney Katherine B. Watson.

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 After consideration, **IT IS HEREBY ORDERED** that the Stipulated  
2 Motion for Remand, ECF No. 17, is **GRANTED**. The Commissioner's final  
3 decision is reversed and remanded for further proceedings pursuant to sentence  
4 four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security,  
5 the Appeals Council should remand this case to the Administrative Law Judge  
6 (ALJ) for a de novo hearing. On remand, the ALJ shall reevaluate the opinion  
7 evidence, including but not limited to the opinion of state agency medical  
8 consultant Dr. Baylor; reevaluate the claimant's subjective complaints; reassess the  
9 residual functional capacity and continue with the sequential evaluation, as needed;  
10 give Plaintiff an opportunity for a hearing; and issue a new decision.

11 The parties stipulate that this case be reversed and remanded to the ALJ on  
12 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the  
13 matter is remanded to the Commissioner for additional proceedings pursuant to  
14 sentence four 42 U.S.C. 405(g). Upon proper presentation, this Court will consider  
15 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

16 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary  
17 Judgment, ECF No. 16, is **DENIED** as moot, given the parties' motion for remand.

18 The District Court Executive is hereby directed to enter this Order and provide  
19 copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the file.

20 **DATED** August 16, 2021.

21 *s/Fred Van Sickle*

Fred Van Sickle  
Senior United States District Judge